

Petitioner is advised that before a refusal can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a copy of the application papers to the non-signing inventor. A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the non-signing inventor is represented by counsel, to the address of the non-signing inventor's attorney. See, MPEP 409.03(d).

While petitioner has forwarded a copy of the application papers to an attorney known to be representing the inventor's employer, petitioner has failed to establish that said attorney also represents the inventor. Accordingly, petitioner has not established that the inventor or the inventor's legal representative received a copy of the application papers and thereafter refused to execute the declaration.

Any renewed petition must be supported by evidence that the inventor or the inventor's known legal representative was presented with a copy of the application papers. In particular, the renewed petition should set forth the manner in which the application papers were presented to the non-signing inventor or the inventor's legal representative. Petitioner may wish to provide the Office with copies of dated cover letters and, if available, copies of mailing receipts as evidence that the non-signing inventor or the inventor's legal representative was presented with a copy of the application papers. If, after having been presented with the application papers, an oral refusal is made, this fact along with the time and place of the refusal must be stated in an affidavit or declaration signed by the person to whom the refusal was made. Any written refusal to execute the oath or declaration by the inventor or the inventor's legal representative should likewise be submitted. Petitioner's attention is directed to MPEP 409.03(d) for further information on the presumptive evidence required for accordance of status under 37 CFR 1.47.

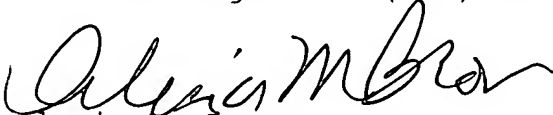
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, DC 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.



Alesia M. Brown
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Office of Petitions
Office of the Deputy Commissioner